UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

:

TYISHA BARBER,　　　　　　　　　　　　　:　　　　　CASE NO. 1:16-CV-2436
On behalf of D.A.,　　　　　　　　　　　　:

:

　　　　　Plaintiff,　　　　　　　　　　　:

:

　　　　　vs.　　　　　　　　　　　　　　:　　　　　OPINION & ORDER
　　　　　　　　　　　　　　　　　　　　:　　　　　[Resolving Docs. 1, 16]

COMMISSIONER　　　　　　　　　　　　　:
OF SOCIAL SECURITY,　　　　　　　　　　:

:

　　　　　Defendant.　　　　　　　　　　 :

:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On October 4, 2016, Plaintiff Tyisha Barber, on behalf of her minor daughter, D.A., sued to reverse a supplemental security income denial.[1] On July 28, 2017, Magistrate Judge Jonathan D. Greenberg recommended vacating and remanding the Commissioner's denial of benefits.[2] On August 9, 2017, the Defendant Commissioner notified the Court that it would not file objections to the Magistrate Judge's recommendation.[3]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.[4] Failure to timely object waives a party's right to appeal the magistrate's report.[5]

Absent objection, a district court may adopt the magistrate judge's report without review.[6] Moreover, having conducted its own review of the complaint and record, the Court agrees with the conclusions in the Report and Recommendation.

---

[1] Doc. 1. The Commissioner of Social Security answered. Doc. 10.
[2] Doc. 16.
[3] Doc. 17.
[4] 28 U.S.C. § 636(b)(1)(C).
[5] *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).
[6] *See Thomas*, 474 U.S. at 149.

Case No. 1:16-CV-2436
Gwin, J.

For the foregoing reasons, this Court **ADOPTS** the Magistrate Judge's Recommendation,

and **VACATES** and **REMANDS** the case for further consideration consistent with the

Magistrate Judge's decision.

IT IS SO ORDERED.

Dated: August 10, 2017   *s/   James S. Gwin*
                                          JAMES S. GWIN
                                          UNITED STATES DISTRICT JUDGE